

**FAIRFAX COUNTY PLANNING COMMISSION
LAND USE PROCESS REVIEW COMMITTEE
THURSDAY, JANUARY 17, 2013**

PRESENT: Earl L. Flanagan, Commissioner, Mount Vernon District
James R. Hart, Commissioner, At-Large
Janyce N. Hedetniemi, Commissioner, At-Large
Ellen J. Hurley, Commissioner, Braddock District
Peter F. Murphy, Commissioner, Springfield District, Chairman
Kenneth A. Lawrence, Commissioner, Providence District
John L. Litzenberger, Jr., Commissioner, Sully District
Timothy J. Sargeant, Commissioner, At-Large

ABSENT: None

OTHERS: James Migliaccio, Commissioner, Lee District
Regina Coyle, Assistant Director, Zoning Evaluation Division, (ZED),
Department of Planning and Zoning, (DPZ)
Leslie Johnson, Zoning Administrator, Zoning Administration Division, (ZAD), DPZ
Michelle O'Hare, Deputy Zoning Administrator, ZAD, DPZ
Donna Pestó, Assistant to the Zoning Administrator, ZAD, DPZ
Jan Leavitt, Engineer, Land Development Services, (LDS), Department of Public
Works and Environmental Services (DPWES)
Tom Williamson, Engineer, LDS, DPWES
Eta Davis, Management Analyst, LDS, DPWES
Barbara Lippa, Executive Director, Planning Commission
Kara DeArrastia, Clerk to the Planning Commission

ATTACHMENTS:

- A. Zoning Ordinance Article 18 – Administration, Amendments, Violations and Penalties, Section 18-106 – Application and Zoning Compliance Letter Fees
- B. ePlans, Electronic Document Submission & Review System for Zoning Applications
- C. Land Development Services, DPWES, Proposed Land and Building Development Fees
- D. Minutes – September 20, 2012

//

Chairman Pete F. Murphy called the meeting to order at 7:01 p.m. in the Board Conference Room, at 12000 Government Center Parkway, Fairfax, Virginia 22035

//

Commissioner Litzenberger MOVED TO APPROVE THE MINUTES OF SEPTEMBER 20, 2012.

Commissioner Flanagan seconded the motion which carried by a vote of 8-0.

//

PROPOSED NEW ZONING APPLICATION FEES

Leslie Johnson, Zoning Administrator, Zoning Administration Division, (ZAD), Department of Planning and Zoning, (DPZ), began the presentation by stating that the Board of Supervisors (Board) asked staff to evaluate fees every two years in order to avoid another 300% increase as was the case in 2009. She continued by stating that this increase in fees is not across the board based on the Consumer Price Index (CPI), as was the case in the 2011, but an evaluation of only certain fees, processes, and administrative items.

Ms. Johnson noted that two fees were being evaluated in the Zoning Ordinance work program that was adopted in the spring of 2012. The first fee was the keeping of animals and the other was change in permittee, both special permit applications. Riding and boarding stables were added as a result of a report from the equestrian task force which stated that some zoning regulations served as an impediment to establishing equestrian facilities. Staff believed that the special permit process was appropriate for riding and boarding stables because of the impact on adjacent properties and recommended a mid-range fee. Ms. Johnson noted that the recommended fee was consistent with equestrian facilities in Loudoun County.

Ms. Johnson indicated the review for the keeping of animals applications was relatively minor and staff recommended lowering the fees for those special permits. With regard to the fee for a change in permittee, she noted that many special permits are issued to the applicant only through a development condition, so when there is a change in applicant even if it is just a name change, the applicant has to amend the application. Staff is recommending a flat fee for those applications.

Regina Coyle, Assistant Director, Zoning Evaluation Division, (ZED), DPZ, noted that another area under evaluation was for concurrent special permit and variance applications. Staff recommended incurring one fee for the combination applications instead of an aggregate fee that would be the higher of the two fees because of the multiple uses involved. Ms. Coyle indicated that the combination applications of PRC plans and special exceptions or special permits were also evaluated. She said staff recommended one fee for these types of applications as well and that the Zoning Ordinance would be amended to clearly note the fee amount by type of application or combined applications.

Donna Pesto, ZAD, DPZ, noted that the duplicated categories will be eliminated to clarify when a fee is imposed.

Commissioner Hurley asked when the amendment would be effective. Ms. Pesto responded that typically fee decreases become effective the day after adoption by the Board of Supervisors while other fee-related amendments typically become effective at the beginning of the new fiscal year. Ms. Johnson indicated that staff was still in discussion about the effective date. Commissioner Hurley asked if the change in fee was advertised and how many applicants would be affected. Ms. Johnson replied one applicant had applied but that typically they did not receive many applications of this kind. Ms. Pesto indicated that they typically receive one or two applications per year for the keeping of animals and an average of six applications per year for a change in permittee.

Ms. Johnson noted that the zoning fee change was presented to the Board's Development Process Committee on January 15, 2013 and they were in support of the change.

Commissioner Lawrence questioned what factors contributed to the costs of revenue with regard to fees. Ms. Johnson replied that the change in the amount of the fees was proposed to recover internal costs.

Commissioner Hart said the cost to the county in administering the Zoning Ordinance could decrease if the proposed fee changes were enacted. He said almost all of these applications were in response to a violation by a homeowner who had no idea they were in violation.

Commissioner Hart indicated the goal is to have the owner file the application, go through the zoning process, obtain the appropriate development conditions, and be in compliance with the Zoning Ordinance. However, if the fee is unreasonable, the applicant would pursue other methods of disputing the violation which results in more staff time and expense.

Chairman Murphy asked what the next step was. Ms. Johnson replied the public hearings were scheduled for March 6th and April 9th, coinciding with the Board's budget deliberations.

//

PROPOSED NEW DPWES FEES

Tom Williamson introduced himself as Branch Chief for Building Design & Construction in the Department of Public Works and Environmental Services (DPWES). He noted that Jan Leavitt and Eta Davis would be giving the presentation.

Eta Davis introduced herself as the Business Process Manager, Land Development Services, (LDS) DPWES. She indicated DPWES had a mandate to recover 90% of its costs. She said there were two sides to the business – the building development side and the site development side. Ms. Davis said the fees were based on cost to deliver regulatory services and the fee schedule was documented in Appendix Q in the County Code. She noted that the building and site fees were adjusted in FY 2006, FY 2010, and FY 2012. Ms. Davis said the Board requested after the FY 2010 increase that the LDS fees be reviewed every two years.

A discussion ensued between Regina Coyle, Assistant Director, Zoning Evaluation Division, Zoning Evaluation Division, Department of Planning and Zoning and Commissioner Lawrence about the rate of raising the fees based on Consumer Price Index (CPI) and where the money would come from to cover the cost of contracts.

Ms. Davis answered questions from Commissioner Flanagan in regards to the impact of the stormwater management ordinance on fees and geotechnical review.

//

UPDATE ON NEW ONLINE SUBMISSION PROCESS FOR DEPARTMENT OF PLANNING AND ZONING

Regina Coyle, Assistant Director, Zoning Evaluation, Department of Planning and Zoning, gave an update on the electronic document submission and review system for zoning applications. She demonstrated how portions of the system can be applied to the Zoning evaluation process.

A discussion ensued between the committee members and Ms. Coyle regarding the security of the process and the size of the documents. Suggestions were made as to how the maps and number of pages should be viewed and secured during which Ms. Coyle stated that she would be working with the Department of Information Technology to ensure the items are secure.

Ms. Coyle stated that the first submission would start with rezoning applications and proffered condition amendments.

//

The meeting was adjourned at 8:16 p.m.
Peter F. Murphy, Chairman

An audio recording of this meeting is available in the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: John W. Cooper

Approved: March 10, 2016



John W. Cooper, Clerk to the
Fairfax County Planning Commission